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JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
March 3, 2010**

**Senate Bill 223, An Act Requiring Noncustodial Parents to Provide
Emergency Contact Information**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, on *Senate Bill 223, An Act Requiring Noncustodial Parents to Provide Emergency Contact Information*. We have concerns with this proposal.

To begin, I would like to point out that in our experience emergency contact information is exchanged in the vast majority of dissolution cases. Yet this proposal would create a mandate that would apply to all of those cases, since most orders are for joint legal custody. It will also apply to both parents, including the parent who has primary physical custody, for all times when their child is with the other parent. It would create an additional burden on the court by requiring an extra hearing in these cases to determine whether there is good cause for such an order not to be entered.

In addition, requiring the information to be registered with the Department of Children and Families (DCF) where good cause is shown is very problematic, as it would inject DCF into an area where it has not previously been involved -- family matters litigation.

Turning to the specifics of the language that has been proposed, new subsection (b) (1) at lines 139 through 151 would require the court, in cases in which the parents live separately, to order either parent to provide the other parent with emergency contact information subject to the same exceptions outlined above, that is, unless (A) the parent who would be the subject of the order objects and shows good cause to refuse or

(B) that the parent who would be the subject of the order is ineligible for visitation. The problem is that while the court could be directing its order at either parent, a noncustodial parent is explicitly excused from providing contact information if that parent is ineligible for visitation, while a custodial parent is not excused from providing such information to the other parent, even if that other parent is ineligible for visitation and has no legitimate need for it, unless the custodial parent demonstrates "good cause." This may have the undesired effect of tilting the playing field in favor of a noncustodial parent who is ineligible for visitation to obtain contact information that that parent, perhaps, should not have. Although the custodial parent would have some protection under the exception outlined in subdivision (A) of section (b) (1), that parent would have a heavier burden than the noncustodial parent who lacks any visitation rights.

In conclusion, this bill addresses a rare problem, will create additional stress for already challenged families, and will tax the Judicial Branch's resources by creating more litigation. In addition, it is not needed because judges already have the authority to require this information be exchanged under their custody order power. We would respectfully suggest that a new legislative requirement is not needed and that the judges can deal with this issue on an individual case basis. For these reasons, we urge the Committee not to act favorably on this proposal.

Thank you.